

AVERY LANDING FILE FOLDER TITLED, "AVERY LANDING - CORRESPONDENCE ONLY - 1990-92

2/26/90 Ltr from Idaho AG's office to Jenner & Block transmitting a cost estimate for clean up and asking J&B to check with their clients to see if they will participate in the clean up (just don't know who their clients are! ah! Found out later it is CMC)

3/15/90 Ltr from ID AG's office to J&B, again submitting a cost est. & again asking whether J&B's clients plan on participating in a clean up

7/9/90 Ltr from ID AG's office to J&B. Ltr mentions another letter from J&B dated 12/13/89 that we apparently don't have. Ltr argues against all claims apparently set forth in the 12/13 letter and states the ID still holds CMC liable

7/9/90 Ltr from ID AG's office to Clements, Brown, & McNichols (CBM) (Council for Pot) stating Pot's responsibilities in the clean up and threatening legal action if clean up is not started soon

7/18/90 Ltr from J&B to ID AG's office asking for more info on how ID percieves the date of original contamination, source of cont., and surface conditions at the site

7/20/90 Ltr from ID AG's office to FHA stating that the state still feels that FHA is liable and asking FHA to let the state know if they are gonna participate in the costs of the clean up

7/30/90 Ltr from ID AG's office to CBM stating what information they could provide to help the cause

7/30/90 Ltr form ID AG's office to J&B answering J&B's quieries from their 7/18 ltr

7/31/90 Ltr from ID AG's office to David Theriault outlining his responsibility to help w/ the clean up

8/20/90 Ltr from FHA to ID AG's office again stating that they feel they have no clean up responsibilities since they didn't cause the contamination

9/21/90 Newspaper article about the clean up of Avery. Article says clean up has been estimated at \$800,000!

9/20/90 Memo from Conde to Chertudi, Martin, and Jehn giving Doug's views of who's doing what and what the state should pursue. Attached to this memo is a letter from J&B denying any responsibility for the clean up and giving the reasons why. Also attached is an E-mail from Dean Nygard stating that this site is on CERCLIS and suggesting Clyde Cody do a PA.

10/22/90 Memo from Conde to Prochnow asking whether anyone ever researched the current ownership of the property that was owned by Harold Theriault

10/29/90 Ltr from ID AG's office to J&B stating that the state still thinks CMC should be sharing in the costs of a clean up

11/9/90 Ltr from ID AG's office to J&B enclosing some water sample results. Apparently there was some correspondence that isn't in files that is keeping CMC in the loop since the last thing I saw from them, they washed their hands of the whole deal.

12/10/90 Ltr from Pot to DEQ confirming a meeting for 1/8/91

12/13/90 Memo from Conde to Jehn stating that CMC is interested in discussing a clean up!

12/17/90 Letter from DEQ to FHA stating that a meeting will be held on 1/9/91 to discuss current status and evaluate mitigation measures

12/18/90 Memo from Baldwin to Prochnow discussing the deficiencies w/ the site assess. that need to be addressed before a remediation plan is approved

1/9/91 Notes from 1/9/91 meeting plus list of attendees.

1/11/91 E-mail from Wicherski to Paula Lyon asking for some input into the possibilities of hazardous characteristics of the wastes at Avery and also the suitability of burning the material in a boiler

1/23/91 Ltr to Pot from DEQ reviewing the 1/9/91 meeting and listing additional rqmts needed for a successful recovery system

3/5/91 Memo (?) from Mike Gregory to Cheryl Grantham (whoever she is) re waste determination. Cites a 1/24/91 memo that does not appear to be in our files unless it is the 1/11 memo from Wicherski.

3/27/91 Ltr from Pot to DEQ in response to 1/23/91 ltr. Makes corrections and recommendations on several

issues of the 1/23 ltr

5/20/91 Memo from Clearman to Prochnow & Painter. Richard feels the contamination will characterize as hazardous because of its ignitability. He also makes comments on the proposed burning of the recovered hydrocarbons

5/28/91 Draft ltr from DEQ to Pot, commenting on their 3/27 ltr Was a final ever made?

6/17/91 Ltr from ID AG's office to J&B and Pot, trying to get them to agree to a remediation

6/18/91 Memo from Conde to Prochnow, setting up another meeting for July

7/3/91 Ltr from Pot attorneys to Conde and J&B. Projected cost est of \$355,000 based on certain assumptions

8/2/91 File note from B Painter stating that a meeting has been set for 8/7

8/12/91 Memo from Conde to a bunch of Boise DEQ people discussing the 8/7/91 meeting. Issues were: (1) further product characterization must be done to determine how it can be disposed of (2) EPA's intentions w/.r.t. CERCLA, & (3) other PRP's

8/21/91 Ltr from ID AG's office to J&B, forwarding some documents and enquiring about the status of some additional sampling

8/29/91 Ltr from Pot to DEQ re additional testing on site

9/4/91 Memo from NIRO to Boise on product characterization. The whole thing has been "X'd" out, though. Memo is indicating that help/support is needed from haz. mat. people to characterize the stuff on site

10/4/91 Memo from Conde to Prochnow re sampling, Gregory's ltr to Pot, and air quality concerns of burning recovered hydrocarbon

10/10/91 Draft ltr from Prochnow to Fish (w/ Pot), following up Gregory's Sept. 19 ltr & containing other stuff that was discussed in the 10/4 memo

10/16/91 Ltr from ID AG's office to J&B and CBM (Pot's attny's) stating that additional testing is now not necessary & we should all be able to move ahead

10/25/91 Ltr from CBM to Conde stating that the intention is

to burn the excavated material at St Maries

12/3/91 Ltr from ID AG's office to CBM stating why ID will not pursue further action against FHA, and mentioning that if material is burned at St. Maries, Pot may need to acquire a "permit to construct"

1/15/92 Ltr from ID AG's office to legal council for FHA restating the circumstances and advising that the state may pursue enforcement against FHA

1/29/92 E-mail between Prochnow & Mosko. Lisa wants to use UST Trust Fund money at Avery. Tim says that money is only for UST's, not above ground tanks

3/13/92 Ltr from ID AG's office to CBM and J&B that encloses a letter received from the FHA. FHA continues to take the stand that they didn't cause the cont. so they are not liable

4/21/92 Inter-office memo from Mike Fish (Pot) stating that an EPA representative had contacted him re a site visit for the purposes of rating Avery on the NPL

Note to Joe Baldwin that Rick Raymundi w/ MK had stopped in & given some comments on the trench design (which the note included)

7/7/92 Ltr from CBM to Conde stating Pot's willingness to enter in to a CO provided 5 conditions are met: (1) & (2) Pot is off the hook after spending \$355,000, (3) EPA must buy off on this agreement, (4) state must get permission from neighboring landowners for Pot to enter their property, and (5) Pot wants some public recognition

7/24/92 E-mail from Prochnow to Burr giving some recent history on the site & in particular, Pot's latest proposal for CO clean up

7/30/92 Memo from Conde to Nagel, Burr, Prochnow, and Baldwin reviewing Pot's proposal for clean up and outlining the state's current options, as Doug sees them

8/28/92 Memo from Conde to Nagel, Burr, Prochnow, and Baldwin outlining Doug's thots for the final CO w/ Pot and CMC

8/28/92 Ltr from ID AG's office to J&B stating that the projected \$355,000 is thot to be reasonably accurate & lets get on w/ the CO

8/31/92 E-mail from Baldwin to Conde summarizing MK's thots on the est. clean up cost and stating that the clean up time frame may take longer than projected

9/1/92 E-mail from Prochnow to Baldwin, asking Joe to draft a ltr to the Woods (concerned citizens) about status, to date

9/7/92 E-mail from Prochnow to Conde giving her thots on the latest proposal for clean up

9/21/92 E-mail (probably from Conde) to Baldwin and Prochnow stating that Doug has been talking w/ EPA & although EPA may not take any action, they need to be on board & therefore we need to get them all the plans & specs to look at

9/23/92 Ltr from ID AG's office to J&B and CBM answering the conditions imposed by Pot in their offer/proposal of clean up

10/7/92 Memo from Conde to Baldwin, Prochnow, and Painter enclosing a DRAFT CONSENT ORDER

10/16/92 Memo from Baldwin to Conde w/ Joe's comments on the Draft Consent Order

Something entitled Erosion and Sediment Control Plan Requirements??

10/20/92 E-mail from (probably Conde) to Baldwin, Yoder, Burr, and Prochnow. Talks about a ltr received from Pot complaining about the state's rejection of part of their settlement offer and the fact that the state knew about pollution at this site way back in the 50's!

11/3/92 Ltr from DEQ (Mosko) to EPA (Freutel) to see if this site can get any relief thru the Oil Pollution Act of 1990

11/18/92 E-mail between Prochnow & Painter about a site visit & whether its for the NPL or the Oil Pollution Act

11/20/92 E-mail from (I assume Conde) to Baldwin, Burr, and Prochnow saying that Doug received a call from CMC & now they want to work a settlement between them & Pot

12/10/92 E-mail between Prochnow and Conde. Lisa is concerned that a ltr should be sent to Pete Woods - a concerned citizen - giving him current status of clean up effort